

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

SEP 21 2017

DISTRICT COURT OF THE UNITED STATES

FOR NORTHERN GEORGIA

ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By *SB* Deputy Clerk

Hardee, Bey doing business as §
HARDEE, BENJAMIN O'NEIL corporate sole
doing business as BENJAMIN HARDEE doing
business as BEN EL BEY

Counterclaimant §

v.

§ DOCKET #

STATE OF GEORGIA §
BRIAN KEMP

1:17-CV-3686

ATLANTA MUNICIPAL COURT §
RYAN SHEPARD
RAINES CARTER
FULTON COUNTY SHERIFF'S OFFICE
THEODORE JACKSON

§ Counterclaim for Trespass,
Trespass on the Case, and Violation of Oath of
Office

JAMES BULLOCK, BADGE NO. 0884 § Verified

Counterdefendants §

§

CAUSE OF ACTION – TRESPASS, TRESPASS ON THE CASE, AND VIOLATION OF

OATH OF OFFICE

PARTIES

1. Comes now, Benjamin Hardee, ("Hardee Bey") a people of Georgia of sound mind, hereinafter counterclaimant, in this court of record and complains of each of the following: State of Georgia (a corporation); Brian Kemp ("Kemp"); Atlanta Municipal

Action for Trespass

Benjamin Hardee
v.
State of Georgia et. al.

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Court (an inferior court); Ryan Shepard individually and in his official capacity doing business as RYAN SHEPARD, COURT ADMINISTRATOR (“Shepard”); Raines Carter individually and in his official capacity doing business as RAINES CARTER, SOLICITOR GENERAL (“Raines”); Fulton County Sheriff’s Office (a corporation); Theodore Jackson individually and in his official capacity doing business as THEODORE JACKSON SHERIFF OF FULTON COUNTY; (“Jackson”); James Bullock, Badge No. 0884 (“Bullock”); hereinafter counterdefendants who are each summoned to answer said action in a plea of trespass and trespass on the case to wit:

INTRODUCTION

2. Each counterdefendant violated his oath of office. **Scheuer v. Rhodes, 416 U.S. 232, 94S. Ct. 1683, 1687 (1974)** Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). **When a judge acts as a trespasser of the law**, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges’ orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme Court stated that “when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of the Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” The constitution that the

counterdefendant violate are as follows:

1877 Georgia Constitution (as ratified without subsequent amendments)

ARTICLE I. BILL OF RIGHTS. SECTION I. Par. XIX. The civil authority shall be superior to the military

1877 Georgia Constitution (as ratified without subsequent amendments)

ARTICLE I. BILL OF RIGHTS. SECTION IV.

Paragraph I. Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights, shall be varied in any particular case, by special legislation, except with the free consent, in writing of all persons to be affected thereby; and no person under legal disability to contract, is capable of such consent.

Par. II. Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.

1877 Georgia Constitution (as ratified without subsequent amendments)

Article I Bill of Rights, Section 1' Par. VI. No person shall be compelled to give testimony tending in any manner to criminate himself.

1877 Georgia Constitution (as ratified without subsequent amendments) and Article 1 BILL OF RIGHTS, sec 1 Par. XVI. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

1877 Georgia Constitution (as ratified without subsequent amendments) and Article 1, sec 1 BILL OF RIGHTS Par. XXIII. The legislative, judicial and executive powers shall forever remain separate and distinct, and no person discharging the duties of one, shall, at the same time, exercise the functions of either of the others, except as herein provided.

1877 Georgia Constitution (as ratified without subsequent amendments) SECTION V.

Paragraph I. The people of this State have the inherent, sole and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

Par. II. The enumeration of rights herein contained as a part of this Constitution, shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

1877 Georgia Constitution (as ratified without subsequent amendments)

ARTICLE IV. POWER OF THE GENERAL ASSEMBLY OVER TAXATION. SECTION II

Par. III. The General Assembly shall not remit the forfeiture of the charter of any corporation, now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of said corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter and shall bring the same under the provisions of this Constitution: Provided, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

Paragraph II. The General Assembly may, by law, exempt from taxation all public property, places of religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus; and all paintings and statuary of any company or association, kept in a public hall, and not held as merchandize [sic.], or for purposes of sale or gain: Provided, the property so exempted be not used for purposes of private or corporate profit or income.

Par. IV. All laws exempting property from taxation other than the property herein enumerated, shall be void.

1. Each counterdefendant violated their oath of office when they exceeded his jurisdiction and participated in attempting to extort funds from counterclaimant Hardee Bey.
2. Each counterdefendant violated their oath of office when they operated under color of law to perpetrate said attempted extortion.
3. As documented herein, each counterdefendant worked in unison to hinder the free right of travel of counterclaimant Hardee Bey under color of law.

SPECIFICS

4. At all times mentioned in this action, each counterdefendant is the agent of the other,

and in doing the act alleged in this action, each is acting in course and scope of said agency. The following paragraphs describe what the counterdefendants, under color of law, either acted or failed to act as obligated.

5. Each counterdefendant exceeded his jurisdiction under color of law. Each defendant acted in concert with the remaining counterdefendants to effect the unlawful loss of liberty of counterclaimant.
6. Each counterdefendant acted in such a way, or failed to act in such a way, that counterclaimant has been deprived of his liberty, reputation, and right of free locomotion.
7. Counterdefendants referred to counterclaimant as “Violator” on a citation¹.
8. Counterclaimant Hardee Bey is not a “driver” who operates a “motor vehicle”².
9. Counterdefendant Bullock under color of law did an unlawful stop while armed with a weapon.
10. Counterdefendant Bullock under color of law used a prolaser 111 34448 device.
11. Through threat and coercion Counterdefendants issued counterclaimant a citation waiving Counterclaimant Hardee Bey rights.³

¹Exhibit A

²18 U.S. Code § 31 – Definitions (a) (6) **Motor vehicle.** — The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

³ 1877 Georgia Constitution (as ratified without subsequent amendments) Article I Bill of Rights Section 1 Par. VI. No person shall be compelled to give testimony tending in any manner to criminate himself.

⁴1877 Georgia Constitution (as ratified without subsequent amendments) and 1877 BILL OF RIGHTS, Par. XV1. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported

12. On August 15, 2017, Counterclaimant Hardee Bey was traveling in his private automobile along Piedmont Road and Georgia 13. Counterclaimant was stopped by Jame Bullock, Badge No. 0884. Counterdefendant Bullock armed with a weapon commanded Counterclaimant license and registration. Counterdefendant Bullock unlawfully accused Counterclaimant Hardee of being under the influence of alcohol. Counterdefendant Bullock falsely accused counterclaimant of having marijuana in counterclaimant private automobile until Counterdefendant Bullock smelled marijuana coming from another automobile in passing. Counterdefendant ordered counterclaimant Hardee Bey to exit the automobile and perform a breathalyzer test. Counterdefendant Bullock issued counterclaimant a citation and counterdefendant committed theft by taking counterclaimant Hardee Bey foreign license. Counterclaimant Hardee Bey property was later returned the following week.⁴

LAW OF THE CASE

13. The law of the case is decreed as follows:

14. The State of Georgia is a corporation operated by the Georgia state. "The government, by becoming a corporator, lays down its sovereignty so far as respects the transactions of the corporation, and exercises no power or privilege which is not derived from the charter. "*Bank of United States v. Planters' Bank of Georgia*, 22 U.S. 9 Wheat. 904 904 (1824) The inferior court is a subdivision of said corporation.

15. The United States of America was established as a union of republican states in which

by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

⁴

the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. *In re Duncan*, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626

16. Georgia state was established as a republic.

17. The law provides that once State and Federal Jurisdiction has been challenged, it must be proven. *Main v. Thiboutot*, 100 S. Ct. 2502 (1980).

18. Jurisdiction can be challenged at any time and once challenged, cannot be assumed and must be decided. *Basso v. Utah Power & Light Co.*, 495 F 2d 906, 910.

19. "Statements of counsel in their briefs or argument while enlightening to the Court or not sufficient for purposes of granting a motion to dismiss or summary judgment." *Trinsey vs. Pagliaro*, (E.D. PA 1964).

20. "...there is, as well, no discretion to ignore that lack of jurisdiction." *Joyce v. US*, 474 F2d 215.

21. "A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking." *Bradbury v. Dennis*, 310 F.2d 73 (10th Cir. 1962)

22. The burden shifts to the court to prove jurisdiction. *Rosemond v. Lambert*, 469 F2d 416.

23. ...if the issue is presented in any way the burden of proving jurisdiction rests upon him who invokes it. *Latana v. Hopper*, 102 F. 2d 188;

24. "When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction." *Melo v. United States*, 505 F. 2d 1026

25. Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted.
Latana v. Hopper, 102 F. 2d 188; *Chicago v. New York*, 37 F Supp. 150.
26. "No officer can acquire jurisdiction by deciding he has it. The officer, whether judicial or ministerial, decides at his own peril." *Middleton v. Low* (1866), 30 C. 596, citing *Prosser v. Secor* (1849), 5 Barb.(N.Y) 607, 608.
27. "Where a court has jurisdiction, it has a right to decide any question which occurs in the cause, and whether its decision be correct or otherwise, its judgments, until reversed, are regarded as binding in every other court. But if it acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification, and all persons concerned in executing such judgments or sentences are considered in law as trespassers." *Elliott v Peirsol*, 1 Pet. 328, 340, 26 U.S. 328, 340, 7L.Ed. 164 (1828)
28. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term."
Dillon v. Dillon, 187 P 27.
29. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.
30. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]
31. The very meaning of 'sovereignty' is that the decree of the sovereign makes law.

[American Banana Co. v. United Fruit Co., 29 S.Ct. 511 , 513, 213 U.S. 347, 53 L. Ed. 826, 19 Ann. Cas. 1047.]

32. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]
33. A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
34. Where rights secured by the Constitution are involved, there can be no rule making or legislation which could abrogate them . [Miranda v. Arizona , 384 US 436, 491]
35. The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]
36. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]
37. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. Constitution for the United States of America, Article VI, Clause 2.
38. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District

in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

39. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]
40. No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State, until the same is accounted for and paid into the treasury.

1877Georgia Constitution (as ratified without subsequent amendments) Article 1 Bill of Rights Section 4 Paragraph 1.

41. The first election for members of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially, on that day, until the day of election is changed by law. *1877Georgia Constitution (as ratified without subsequent amendments) Article 1 Bill of Rights Section 4 Paragraph 1.*

42. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

43. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

44. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

45. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

46. The people of this state do not waive their sovereignty to the agencies which serve them.

47. If any claim, statement, fact, or portion in this action is held inapplicable or not valid, such decision does not affect the validity of any other portion of this action.

48. The singular includes the plural and the plural the singular.

49. The present tense includes the past and future tenses; and the future the present, and the past the present.

50. The masculine gender includes the feminine and neuter.

51. "For a crime to exist there must be an injured party. There can be no sanction or penalty imposed upon one because of his exercise of his constitutional rights."

Sherar v. Cullen, 486 F. 945

REQUEST FOR RELIEF

52. For that cause of action therefore counterclaimant brings his suit.

53. WHEREFORE, counterclaimant requests relief and judgment against counterdefendants as follows:

54. WHEREFORE, counterclaimant prays judgment against defendants, and each of them, as follows:

55. Infringement of copyright \$1,000,000.00 for using the name BENJAMIN HARDEE for profit.

56. For Cause of Action \$500 for time expended on day of appearance.

57. For Cause of Action \$1000 per day for detainment of property under color of law.

58. That the court enter a declaratory judgment ordering the State of Georgia, a corporation, to update its records removing counterclaimant Hardee Bey from its jurisdiction;

59. That the court enter a declaratory judgment that counterdefendants have acted contrary to constitutional right, power or privilege;

60. That the court enter a declaratory judgment that counterdefendants actions were in excess of statutory jurisdiction, authority and short of statutory right;

61. That the court permanently enjoin counterdefendants from interfering with counterclaimant lawful right of free travel;

62. That the court enter a judgment dismissing the citation numbered E02610884 dated August 13, 2017 brought before the inferior court not of record;

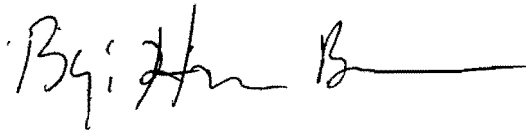
63. That the court grant counterclaimant such other and further relief as the court deems proper;

64. For interest as allowed by law;

65. For cost of suit;

66. I declare under penalty of perjury without the U.S. that the foregoing facts are true and correct to the best of my knowledge.

September 21, 2017, Fulton County, Georgia.

By: 

Hardee Bey dba Benjamin Hardee
c/o 964 Ralph D Abernathy Boulevard
Atlanta, Georgia [30310]

Please serve defendants.

State of Georgia
Secretary of State
Brian Kemp
2 MLK Jr. Drive SE
Suite 802 West Tower
Atlanta, GA 30334

Atlanta Municipal Court
Ryan Shepard
150 Garnett St
Atlanta, GA 30303

James Bullock, **Badge No. 0884**
GA State Patrol
959 E. Confederate Ave SE
Atlanta, GA 30316

Atlanta Municipal Court
Raines Carter
150 Garnett St
Atlanta, GA 30303

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Theodore Jackson
185 Central Ave SW
Atlanta, GA 30303

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UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GAGSP0000

E02610884

Court Case Number

NCIC Number

Citation Number

GEORGIA DEPARTMENT OF PUBLIC SAFETY

Upon Month August (Day) 13 (Year) 2017 at 1:14 ☒ A.M. ☐ P.M.

Operator License No. 034648444

License Class or Type C State GA Endorsements Expires 09/16/2018

Name HARDEE BENJAMIN (Last) (First) (Middle)

Address 964 RALPH D ABERNATHY BLVD SW

City ATLANTA State GA Zip Code 30310

DOB 09/15/1960 Hair BLK Hgt 511 Wgt 245 Sex M Eyes BRO

Vehicle Year 2007 Make HONDA Style ODYSSEY Color BLU

Registration No. QBN8333 State GA

CDL ☐ YES ☒ NO ACCIDENTS ☐ YES ☒ NO INJURIES ☐ YES ☒ NO FATALITIES ☐ YES ☒ NO

☐ 2-LANE ROAD ☐ VASCAR ☒ Laser ☐ Radar

Within the State of Georgia, did commit the following offense: SPEEDING ☐ Patrol Vehicle ☐ Other

Classified by / Serial # PROLASER III 34448

Calibration/Check: 08/12/2017 09:41 PM at 58 MPH in a 40 zone

☐ DUI (Test Administered: ☐ BLOOD ☐ BREATH ☐ URINE ☐ OTHER) DUI Test Results

TEST ADMINISTERED BY (If Applicable):

OFFENSE (Other than above) SPEEDING IN EXCESS OF MAXIMUM LIMITS

Violation of Code Section. 40-6-181 of ☒ State Law ☐ Local Ordinance

Remarks

WEATHER (A) ROAD (B) TRAFFIC LIGHTING COMMERCIAL VEHICLE INFORMATION

☒ Clear ☒ Dry ☐ Concrete ☐ Light ☐ Daylight ☐ 16+ Passengers

☐ Cloudy ☒ Wet ☒ Blacktop ☒ Medium ☒ Darkness ☐ Commercial Vehicle Violation

☐ Raining ☐ Ice ☐ Dirt ☐ Heavy ☐ Other ☐ Hazardous Material Violation

☐ Other ☐ Other

County Of FULTON and miles

PIEDMONT RD / GA 13 at or near mile post or within (city) ATLANTA

Location (secondary location)

OFFICER BULLOCK Badge# 0884 Div GSPC/NIGHT

I am hereby ordered to appear in Court to answer this charge on Saturday, September 30, 2017

0800 In the ATLANTA MUNICIPAL COURT

150 GARNETT STREET, ATLANTA, GA 30303

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-6-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL ☒ YES ☐ NO RELEASED TO APPEAR

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth contrary to law.

SIGNATURE

SIGNATURE OF ARRESTING OFFICER

SIGNATURE OF DEFENDANT

SIGNATURE OF COUNSEL

SIGNATURE OF JUDGE

SIGNATURE OF CLERK

SIGNATURE OF NOTARY

SIGNATURE OF WITNESS

SIGNATURE OF JURY

SIGNATURE OF COURT

SIGNATURE OF CLERK

SIGNATURE OF NOTARY

SIGNATURE OF WITNESS

SIGNATURE OF JURY

SIGNATURE OF COURT

SIGNATURE OF CLERK

SIGNATURE OF NOTARY

YOU ARE SCHEDULED TO APPEAR IN THE FOLLOWING COURT:
ATLANTA MUNICIPAL COURT
AT THE FOLLOWING LOCATION:
150 GARNETT STREET
ATLANTA, GA 30303
ON THE DATE: 9/30/2017 AT THE TIME: 0800
COURT PHONE: 404-658-6940

NOTICE

YOU HAVE BEEN SERVED WITH A CITATION AND SUMMONS. IF YOU FAIL TO APPEAR TO ANSWER THE CHARGE, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOUR DRIVER'S LICENSE SHALL BE SUSPENDED BY THE GEORGIA DEPARTMENT OF DRIVER SERVICES.

You have been issued a traffic citation by the GEORGIA DEPARTMENT OF PUBLIC SAFETY. Law Enforcement Officers ARE NOT authorized TO SET OR ACCEPT Cash Traffic Bonds.

If your violation is to be released to a member of a Court or Sheriff's Office, you will have Bond Procedures explained to you by the accepting official.

If you were permitted to show your driver's license in Lieu of Bail pursuant to Georgia Code 17-6-11, presentation of the license does not excuse you from appearing in court and answering the charges against you. Your failure to appear as directed shall result in the automatic suspension of your driver's license by the Georgia Department of Driver Services.

A LICENSE MAY NOT BE DISPLAYED IN LIEU OF BAIL FOR THE FOLLOWING OFFENSES:

1. Homicide by vehicle.
2. Any felony in which a vehicle is used.
3. Hit and run on leaving the scene of an accident.
4. Racing.
5. Using vehicle in fleeing or attempting to elude officer.
6. Reckless driving.
7. Feticide by vehicle.
8. Serious injury by vehicle.
9. Homicide or serious injury by interfering with traffic control device or railroad sign/signal.
10. Controlled substance or marijuana offenses pursuant to 40-5-75.
11. Driving on suspended or revoked license.
12. Driving under the influence of alcohol/drugs.
13. Fraudulent or fictitious use of driver's license.
14. Aggressive Driving.

I, THE UNDERSIGNED, DO HEREBY ENTER MY WRITTEN, RATHER THAN PERSONAL APPEARANCE IN THE COURT CASE RESULTING FROM THE VIOLATION CHARGED ON THE REVERSE SIDE OF THIS CITATION. I UNDERSTAND THAT BY PAYING MY FINE AND NOT PERSONALLY APPEARING BEFORE THE COURT I AM WAIVING ANY RIGHT THAT I MIGHT HAVE HAD TO A TRIAL BY JUDGE OR JURY AND TO BE REPRESENTED BY COUNSEL. I FURTHER UNDERSTAND THAT BY PAYING THE FINE, I HAVE PLED GUILTY TO THE OFFENSE AS CHARGED.

SIGNATURE OF DEFENDANT

SIGNATURE OF COUNSEL

SIGNATURE OF JUDGE

SIGNATURE OF CLERK

SIGNATURE OF NOTARY

SIGNATURE OF WITNESS

SIGNATURE OF JURY

SIGNATURE OF COURT

SIGNATURE OF CLERK

Section I - Violator
Section II - Local
Section III - Local
Section IV - Summons
Section V - Officer's

E02610884

NCIC NO. 3AGSP0000

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Exhibit A